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Writers Direct Dial:
615-687-4230

October 17, 2003

Chairman Deborah Tate
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

RE: Charter Communications, Inc.'s Response to Jackson Energy Authority's Objection to
Petition for Leave to Intervene and Request for Procedural Schedule
Docket No. 03-00438

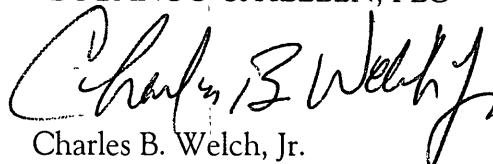
Dear Chairman Tate:

Please find enclosed an original and 14 copies of the above referenced Response to Jackson Energy Authority's Objection to Petition for Leave to Intervene and Request for Procedural Schedule. I am requesting a filed dated stamped copy for my records. The substance of this Response was discussed at a telephone conference meeting between the parties and the Hearing Office on Thursday, October 16, 2003.

Thank you for your assistance regarding this matter. If you have any questions or if I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BRANAN
BOBANGO & HELLEN, PLC



Charles B. Welch, Jr.

CBW/cad

Enclosures

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

APPLICATION OF JACKSON ENERGY
AUTHORITY FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY

DOCKET NO. 03-00438

**CHARTER COMMUNICATIONS, INC.'S RESPONSE TO JACKSON ENERGY
AUTHORITY'S OBJECTION TO PETITION FOR LEAVE TO INTERVENE AND
REQUEST FOR PROCEDURAL SCHEDULE**

By Petition filed on October 10, 2003, Charter Communications, Inc. ("Charter") petitioned the Tennessee Regulatory Authority ("TRA") for permission to intervene in the above-captioned proceeding. On October 14, 2003, Charter received the Objection of Jackson Energy Authority to that Petition (the "Objection"). For the reasons set forth hereinbelow, Charter respectfully requests that the Objection be overruled and that its intervention be granted.

In its Objection, Jackson Energy Authority ("JEA") argues that Charter's Petition does not demonstrate that Charter has a particular interest in the proceeding. Pursuant to T.C.A. § 4-5-310 (a), a petition to intervene shall be granted if, among other requirements, the petitioner's legal interests may be determined in the proceeding. JEA argues that Charter's Petition does not meet this requirement, as the Petition "raises a single question that falls outside the statutory certification requirements under T.C.A. § 65-4-201 (c)." In making this argument, JEA has ignored the remainder of Charter's Petition, in which Charter states that its legal rights, duties, privileges, immunities, or other legal interests or responsibilities may be affected or determined by the outcome of this proceeding, and that Petitioner must be permitted to intervene in order to adequately

represent its interests. It is for these reasons that Charter must be permitted to intervene in this cause.

As the TRA is undoubtedly aware, in all other proceedings involving municipalities seeking a Certificate of Public Convenience and Necessity ("CCN"), there has been extensive discovery and discussion regarding the compliance with special requirements applicable only to municipally owned telecommunications service providers. In those proceedings, there were numerous conditions and other restrictions considered and adopted in order to prevent cross-subsidies and anti-competitive practices which could potentially impair competition in the marketplace. In this cause, however, it appears that little if any such discovery has taken place. As a competitor, Charter has a substantial, protectable interest in ensuring that JEA complies with the applicable statutes, rules, and other requirements applicable to its proposed service offerings pursuant to T.C.A. § 7-52-401, *et seq.* These interests go far beyond the limited issue of exemptions under T.C.A. § 65-5-208 (b) on which JEA concentrates in its Objection. If Charter is not allowed to intervene, these substantial interests will not be protected.

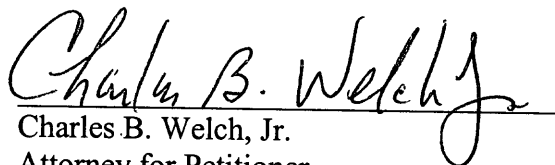
Additionally, JEA argues that granting the Petition would impair the prompt and orderly conduct of this proceeding. Charter's intervention, while likely to temporarily delay the proceedings, would not otherwise impair their conduct. Charter submits that without sufficient discovery to ensure JEA's compliance with statutory and other requirements, as well as JEA's ability to provide telecommunications services, these proceedings cannot be conducted in an orderly and thorough fashion which ensures that a competitive market is protected. Therefore, this is not sufficient grounds on which to deny Charter's Petition.

Finally, pursuant to T.C.A. § 4-5-310 (b), since Charter's intervention will not be an impairment, as set forth in the preceding paragraph, and since protecting competition in the telecommunications market is in the interests of justice, the TRA may grant the Petition, even if Charter's Petition did not meet the remaining requirements of T.C.A. § 4-5-310 (a). Therefore, since Charter easily meets this lower standard for permissive intervention, it should be permitted to intervene in this case, even if such intervention were not allowed under T.C.A. § 4-5-310 (a).

WHEREFORE, for the above stated reasons, Charter prays that JEA's Objection be overruled, and that Charter be granted leave to intervene and participate in this proceeding with all attendant rights and responsibilities, and have such other, further and general relief as the justice of their cause entitles them to receive.

Respectfully submitted,

FARRIS, MATHEWS, BRANAN
BOBANGO & HELLEN, P.L.C.

A handwritten signature in cursive script, reading "Charles B. Welch, Jr.", written over a horizontal line.

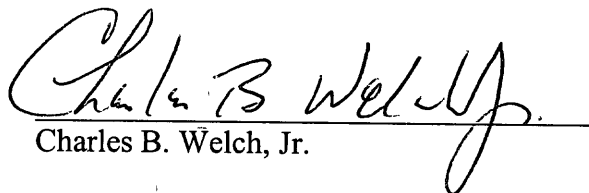
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via U.S. Mail, postage prepaid, upon the following parties of record, this the 17th day of October, 2003.

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